

The Honorable James L. Robart

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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
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05-CV-01158-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHIHULY, INC., a Washington corporation,
PORTLAND PRESS, a Washington corporation,

Plaintiff,

v.

DOYLE LACOUNT, individually on his marital
community, ELIZABETH DOYLE GALLERY,
INC, a Hawaii corporation, and VETRI 505,
INC., a Hawaii corporation,

Defendant.

No. CV05-1158 JLR

~~[PROPOSED]~~ STIPULATED ORDER
RE: PLAINTIFFS' ACCESS TO
DEFENDANTS' GALLERY

STIPULATION

Plaintiffs Chihuly, Inc. and Portland Press (hereinafter "Plaintiffs"), and Defendants Doyle LaCount, Elizabeth Doyle Gallery, Inc. and Vetri 505, Inc. (hereinafter "Defendants") agree that Defendants currently have possession and custody of certain highly unique, valuable and fragile Consigned Artwork and further agree that Plaintiffs are the legal owners of such Consigned Artwork. The parties have further agreed that Plaintiffs shall have reasonable access to Defendants' Gallery during the week of July 11, 2005 through July 15, 2005 (hereinafter, the "Term") for the purpose of de-installing and packing the Consigned Artwork. The parties

[PROPOSED] STIPULATED ORDER RE PLAINTIFFS'
ACCESS TO DEFENDANTS' GALLERY (CV05-1158 JLR) - 1
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acknowledge that the de-installation and packing of the Consigned Artwork is a labor-intensive undertaking that requires physical skill, concentration and ample space, and that Plaintiffs will supply employees with the requisite skill and experience to accomplish these tasks. Therefore, the respective parties enter into the following stipulation and order regarding the de-installation and packing for shipment of the Consigned Artwork.

Dated this 8th day of July, 2005

SO STIPULATED AND AGREED TO BY:

HENDRICKS & LEWIS

DOYLE LaCOUNT

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By: 
Doyle LaCount

ORDER

Based on the Parties' stipulation, it is ORDERED AS FOLLOWS:

1. The Defendants shall:

A. Grant unrestricted access to Defendants' gallery, located at 3750 Wailea Alanui Drive No. 22R, Wailea, Hawaii 96753 (hereinafter, "Gallery") during the Term.

(1) Defendants' representative, Frank Jimenez, will open the Gallery at 9:00 am each morning of the Term, beginning Monday, July 11, 2005, and provide Plaintiffs' employees with unrestricted access to the Gallery for the purpose of de-installation and

[PROPOSED] STIPULATED ORDER RE PLAINTIFFS'
ACCESS TO DEFENDANTS' GALLERY (CV05-1158 JLR) - 2
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1 packing of the Consigned Artwork. The Gallery shall remain open and available to
2 Plaintiffs' employees each day of the Term until 6:00 pm each evening.

3 (2) Plaintiffs will perform the de-installation with all reasonable skill and due
4 care owed to the Gallery and will endeavor to complete the de-installation and packing of
5 the Consigned Artwork in as timely a manner as safely possible. Plaintiffs further agree
6 to notify Mr. Jimenez when they have fully completed the de-installation and packing of
7 the Consigned Artwork.

8 (3) Defendants agree to permit Plaintiffs to store packing materials in the
9 Gallery overnight during the Term.

10 (4) Defendants agree not to obstruct, harass or otherwise interfere with
11 Plaintiffs' employees during the de-installation and packing of the Consigned Artwork.

12 (5) Plaintiffs' employees agree to execute the document attached hereto as
13 Exhibit A, in which they waive their claims against the Gallery and/or any of the
14 Defendants for any injuries or damage they might sustain as a result of simple or gross
15 negligence on the part of the Gallery and/or Defendants.

16 Dated this 8th day of July, 2005.

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Jul 09 05 Case 2:05-cv-01158-JLR Document 15 Filed 07/08/2005 Page 4 of 4
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15 DOYLE LaCOURT

16 By: 
17 Doyle LaCourt

28 [PROPOSED] STIPULATED ORDER RE PLAINTIFFS'
ACCESS TO DEFENDANTS' GALLERY (CV05-1158 JLR) - 4
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